

E-FILED - 9/14/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CONOCOPHILLIPS COMPANY
SERVICE STATION RENT CONTRACT
LITIGATION

Case No. MDL-09-02040-RMW

BALWINDER SINGH,

Plaintiff,

v.

CONOCOPHILLIPS COMPANY,

Defendant.

Case No. C-09-03049-JF

GREGORY GALATOLO

Plaintiff,

v.

CONOCOPHILLIPS COMPANY,

Defendant.

Case No. C-09-03570-JF

**ORDER DENYING RELATION
WITHOUT PREJUDICE**

1
2
3 Defendant ConocoPhillips has filed notices that cases *Singh v. ConocoPhillips Company*
4 (C-09-03409 JF) and *Galatolo v. ConocoPhillips Company* (C-09-03570 JF) should be related to
5 the multi-district litigation *In Re: ConocoPhillips Co. Service Station Rent Contract Litigation*
6 (MDL-09-02040 RMW) assigned to this court. Defendant asserts that *Singh* and *Galatolo* involve
7 allegations that defendant has failed to comply with the California Franchise Investment Law by,
8 among other things, not disclosing rent increases, debit and credit card processing fees and
9 defendant's intent to sell the plaintiffs' service stations and that those allegations are essentially
10 identical to the allegations made in *In Re: ConocoPhillips Company Rent Contract Litigation*.
11 Plaintiffs oppose relation and contend that defendant failed to mention fact that each of the MDL
12 cases alleges federal jurisdiction arising out ConocoPhillips' violation of the Petroleum Marketing
13 Practices Act ("PMPA"), 15 U.S.C. Section 2805, which explicitly confers jurisdiction on the
14 United States Courts, regardless of the amount in controversy, pursuant to the provisions of 28
15 U.S.C. §1331. Plaintiffs say that neither *Singh* nor *Galatolo* alleges or raises any claims for
16 violation of the PMPA. Rather, all of the claims raised are based solely on California law and each
17 plaintiff specifically seeks damages of less than \$75,000. Since the cases were brought into federal
18 court by notices of removal filed by defendant, plaintiffs intend to seek remand to state court.

19 The court finds that relation of the *Singh* and *Galatolo* should be determined after plaintiffs'
20 remand motions are determined. Therefore, the motion to relate *Singh* and *Galatolo* to *In Re:*
21 *ConocoPhillips Co. Service Station Rent Contract Litigation* is denied without prejudice. If the
22 motions to remand are denied, defendant may renew its request that the cases be related.

23
24 DATED: 9/11/09

25 

26 RONALD M. WHYTE
27 United States District Judge
28